

AMENDED IN SENATE JUNE 15, 2012

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY SEPTEMBER 7, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 838

Introduced by Assembly Member Hill

February 17, 2011

An act to amend Section ~~308~~ 5381.5 of the Public Utilities Code, relating to the ~~Public Utilities Commission~~ *charter-party carriers of passengers*.

LEGISLATIVE COUNSEL'S DIGEST

AB 838, as amended, Hill. ~~Public Utilities Commission: public safety.~~
Charter-party carriers of passengers: reports.

The Passenger Charter-party Carriers' Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. Existing law requires the commission to ensure that every charter-party carrier of passengers includes on a waybill or trip report certain information, including the name of at least one passenger in the traveling party.

This bill would state that a waybill or trip report may be kept in electronic or hardcopy format and when requested by a public safety official, the waybill or trip report may be provided in either electronic or hardcopy format.

~~The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities, as defined. The California Constitution grants the commission certain general powers over all public utilities, subject to control by the Legislature, and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission, that is cognate and germane to the regulation of public utilities. Existing law requires the commission to appoint an executive director to hold office at the pleasure of the commission. Existing law requires the executive director to be responsible for the commission's executive and administrative duties, as specified.~~

~~This bill would require the commission to appoint an assistant executive director for public safety to hold office at the pleasure of the commission. The bill would require the assistant executive director for public safety to coordinate all actions of all divisions of the commission to ensure public safety is a primary goal in all proceedings held by the commission. The bill would require the assistant executive director for public safety to advise the commission and each commissioner, when requested, in regard to all matters that may affect public safety.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5381.5 of the Public Utilities Code is
- 2 amended to read:
- 3 5381.5. (a) The commission shall, by rule or other appropriate
- 4 procedure, ensure that every charter-party carrier of passengers
- 5 operates on a prearranged basis within the state, consistent with
- 6 Section 5360.5. The commission shall require every charter-party
- 7 carrier of passengers to include on a waybill or trip report at least
- 8 all of the following:
- 9 (a)
- 10 (1) The name of at least one passenger in the traveling party,
- 11 or identifying information of the traveling party's affiliation, along
- 12 with the point of origin and destination of the passenger or traveling
- 13 party.
- 14 (b)
- 15 (2) Information as to whether the transportation was arranged
- 16 by telephone or written contract.

1 (b) A waybill or trip report may be kept in electronic or hardcopy
2 format. When requested by a public safety official, the waybill or
3 trip report may be provided in either electronic or hardcopy
4 format.

5 ~~SECTION 1. Section 308 of the Public Utilities Code is~~
6 ~~amended to read:~~

7 ~~308. (a) The commission shall appoint an executive director,~~
8 ~~who shall hold office during its pleasure. The executive director~~
9 ~~shall be responsible for the commission's executive and~~
10 ~~administrative duties and shall organize, coordinate, supervise,~~
11 ~~and direct the operations and affairs of the commission and~~
12 ~~expedite all matters within the commission's jurisdiction.~~

13 ~~(b) (1) The executive director shall keep a full and true record~~
14 ~~of all proceedings of the commission, issue all necessary process,~~
15 ~~writs, warrants, and notices, and perform such other duties as the~~
16 ~~president, or vote of the commission, prescribes. The president~~
17 ~~may authorize the executive director to dismiss complaints or~~
18 ~~applications when all parties are in agreement thereto, in~~
19 ~~accordance with rules that the commission may prescribe.~~

20 ~~(2) The commission shall appoint an assistant executive director~~
21 ~~for public safety, who shall hold office at the pleasure of the~~
22 ~~commission. The assistant executive director for public safety shall~~
23 ~~coordinate all actions of all divisions of the commission to ensure~~
24 ~~public safety is a primary goal in all proceedings held by the~~
25 ~~commission. The assistant executive director for public safety shall~~
26 ~~advise the commission and each commissioner, when requested,~~
27 ~~in regard to all matters that may affect public safety.~~

28 ~~(c) The commission may appoint assistant executive directors~~
29 ~~who may serve warrants and other process in any county or city~~
30 ~~and county of this state.~~